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Jeyhan Karaoguz

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MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER

MENDOZA JR, JORGE

ART UNIT

PAPER NUMBER

4126

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,090	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> JORGE MENDOZA JR	<b>Art Unit</b> 4126	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11/12/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/12/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to Claims **1-22** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1, 4-8, 10, & 12-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kerman (US Patent 5,659,366)** in view of **Rodriguez et al. (US Patent 7,150,031)**.

Regarding **Claim 1**, the claimed “a display communicatively coupled to at least one communication device, the communication device being in at least one of a “standby” mode and an “off” mode” is met by Kerman teaching a video display **136** and a communication device (tuner **105**, host microcontroller **110**, data decoder **125**, light source **200**, & audio source **205** – Fig.2) being in “standby” mode (Fig.1 & 2; col.3, lines 3-12; and col.5, lines 16-21). The claimed “a communication network communicatively coupled to the at least one communication device” is met by Kerman teaching a device that receives incoming television signals being transmitted over a wireless or cable

infrastructure network through the use of an antenna or cable (Fig.1 & 2; col.2, lines 14-15; and col.4, lines 64-66).

The claimed “media content disposed in at least one of the communication network and the at least one communication device, the at least one communication device adapted to detect at least a portion of the media content that is newly accessible to the at least one communication device and to provide at least one indication[s] relating to the detection of the newly accessible media content, the at least one indication[s] being provided on at least one of the display and the at least one communication device prior to accessing of the newly accessible media content by the at least one communication device” is met in part by Kerman teaching a device that serves to notify a television viewer of the occurrence of a certain event through the use of an alert signal, such as a visible or audible alert and that the alert message can be displayed on a video display (Fig.1 & 2; col.3, lines 3-34; and col.4, lines 55-63).

However, the Kerman reference does not teach that such a notification is done prior to the accessing of the newly accessible media content. In the same field of endeavor, the Rodriguez et al. reference teaches a system in which notification of media that is newly accessible, using reminder barkers (**180, 190**), is given before the media is actually accessed is presented to a user (Fig.7, 13&14; col.9, lines 59-67; col.10, lines 1-5 , lines 62-67; & col.11, lines 1-3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Kerman with that of Rodriguez et al. in order to allow the notification of newly accessible media before the

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media is actually accessed. Such a modification would allow the invention of Kerman to receive a notification of newly accessible media content when such media is accessed and when it is not by a user, ultimately providing the user with a more complete notification system.

With respect to Claim **4**, the claimed “wherein the at least one communication device comprises one or more of a computer, a storage device, a media peripheral, set-top box circuitry, a television, a text display, a keyboard, a computer mouse, a remote control, an internal speaker, an intercom system, an infrared transmitter, light emitting diodes (LED’s), and a stereo system” is met by Kerman teaching a tuner **105**, host microcontroller **110**, data decoder **125**, speaker **116**, video display **136**, light source **200**, audio source **205** (Fig.1 & 2; col. 2, lines13-67; col.3 lines 1-16; and col.4, lines 55-63).

With respect to Claim **5**, the claimed “wherein the display is one or more of a CRT-based television, a high definition TV (HDTV), a plasma display system, and a projection television” is met by Kerman that teaches the indication of newly detected media content on a display via an on screen display **130**, video mixer **132**, and video display **136** and that it may be a CRT television (Fig.1 & 2, and col.3, lines 10-12).

With respect to Claim **6**, the claimed “wherein the media content comprises one or more of third party media content, user-related media content, digital video, digital images, digital audio, documents, files, non-broadcast media content, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and on-demand movies” is met by Kerman that teaches that the

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newly detected media content may be a data message, the airing of a certain television program, or a personal message intended for a specific user only (col.2, lines 4-7 and col.3, lines 25-29).

With respect to Claim **7**, the claimed “wherein the media content comprises non-broadcast information” is met by Kerman that teaches that the newly detected media content may be a data message, the airing of a certain television program, or a personal message intended for a specific user only (col.2, lines 4-7 and col.3, lines 25-29)

With respect to Claim **8**, the claimed “wherein the at least one indication[s] relating to the detection of the newly available media content comprises one or both of a display pop-up window notification and a display ghost overlay notification” is met by Kerman that teaches that “the video signals of the on-screen display circuitry **130** are applied to the video mixer **132**. The mixer **132** combines the on-screen display signal with the received video signals to produce a composite display. This display may, for example, combine active video with control menu displays, add a closed caption display to a video signal or display information from the IPG in a window inset into the active video image” (col.3, lines 3-10).

With respect to Claim **10**, the claimed “wherein the at least one indication[s] relating to the detection of the newly available media content comprises one or more of a text display announcement, activating LED's, and an audible announcement” is met by Kerman that teaches that upon the detection of new media content, LED's may be cause to blink and audio source may be caused to emit a beeping sound (col.3, lines 29-31 and col.5, lines 10-15).

Claim **12** is met as previously discussed with respect to Claim **1**. In addition, the claimed “processor disposed in a communication device” is met by the host microcontroller **110** (Fig. 1 & 2).

Claim **13** is met as previously discussed with respect to Claim **4**.

Claim **14** is met as previously discussed with respect to Claim **8 & 10**.

Claim **15** is met as previously discussed with respect to Claim **1**.

Claim **16** is met as previously discussed with respect to Claim **10**.

Claim **17** is met as previously discussed with respect to Claim **8**.

Claim **18** is met as previously discussed with respect to Claim **1**.

4. Claims **2,3,9,11, & 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kerman (US Patent 5,659,366)** in view of **Rodriguez et al. (US Patent 7,150,031)** as applied to Claims **1, 4-8, 10, & 12-18** above, and further in view of **Hunter et al. (US Patent 7,233,781)**.

With respect to Claims **2 & 3**, Kerman in view of Rodriguez et al., teach a system for managing newly accessible media content on a communication system as discussed in Claim **1** above. However, the system of Kerman in view of Rodriguez et al. does not teach that the communication network in which the media content transmitted in is the Internet. In the same field of endeavor, the Hunter et al. reference teaches a method of receiving emergency notification content via a number of transmission methods, one of them being the Internet. Hunter et al. teaches that “each of the Cable TV 15, DBS headend 17 or ISP entities 18 are alternately referred to herein as ‘transmitting party’ which rebroadcasts the emergency notification content to the intended audience via an

associated media including, but not limited to: cable **30**, satellite **33**, internet **36**, cellular telephone, and plain old telephony **38**.” (col.8, lines 48-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the internet as a communication network as taught by Hunter et al. in the invention of Kerman in order to provide an additional communication network for media content.

With respect to Claim **9**, the claimed invention of Claim **8** is taught by the Kerman in view of Rodriguez et al. system as discussed above. However, the claimed “display is in a ‘standby’ mode” is not explicitly taught by the Kerman reference. The Hunter et al. reference teaches how a communication device, namely a set-top box, can automatically turn on a display from “standby” mode and thereby display an appropriate notification on it (col.11, lines 61-67 & col.12, lines 1-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the Kerman in view of Rodriguez system, as described above, with the additional teachings of the Hunter et al. reference to give it the benefit of turning on a display when it is in a “standby” mode in order to display a notification message.

With respect to Claim **11**, Kerman in view of Rodriguez et al. teach the claimed invention of Claim **10**. However, Kerman in view of Rodriguez et al. do not teach a system in which the display is in an “off” mode. The Hunter et al. reference teaches that if the display is “off”, there is still an audible announcement given by the communication device. Hunter et al. discloses that “the device **110** additionally includes an internal speaker **212** to function as both an alarm and provide output to an user in the event



their TV or monitor display capability is damaged or inoperable" (col.15, lines 49-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the "off" feature taught by Hunter et al. in the invention of Kerman in view of Rodriguez et al. in order to allow the user to be notified of new content even when the display is off.

With respect to **claim 19**, Kerman in view of Rodriguez et al. teach the claimed management of newly accessible media content on a communication network as discussed in Claim **1** above. However, Kerman in view of Rodriguez et al. do not specifically teach the claimed <sup>A</sup> "displaying a notice relating to the availability of the newly accessible media content on a text display, the text display communicatively coupled to the communication device" or the claimed <sup>B</sup> "activating at least one of an integrated television and an external television". The first part of Claim **19** is met by the Hunter et al. reference that teaches the notice of new accessible media content can be displayed on a group comprising "a set-top box, a computer, a video cassette player, a DVD player, a CD player, a WebTV device, a video game player, a video game controller, a pager, a cellular phone, and a personal digital assistant" (col.5, lines 54-58). Even though the claimed "text display" is not explicitly disclosed in the Hunter et al. reference, the Examiner takes Official Notice that it is well known in the art that a set top box may have a textual display as one of its functioning components.

The second portion of claim **19** is met by Hunter et al. that teaches "in yet another embodiment of the present invention a method of signaling is utilized by the emergency notification broadcaster to turn-on a viewing or listening device and set the

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operational controls to a state sufficient to catch the attention of any viewers/listeners within the household, business, or other locals. For example, with cable type set top boxes an AC outlet is often provided for TVs and other appliances. Since TVs and other display/listening devices often default to acceptable operating levels the cable box can simply power-up the TV which is always left in an on state. Control functions may also be integrated with wireless (infrared) remote controls and other such devices currently in use". (Col.11, lines 61-67 & Col.12, lines 1-6).

With respect to **claim 20**, Hunter et al. teaches the activation of an external TV from a "standby" mode (Col.12, lines 1-6).

With respect to **claim 21 & 22**, the claimed "generating an audible alert signal for the availability of the newly accessible media content" and "one or both of the integrated television and the external television is in an 'off' mode" is met by the Hunter et al. reference. Hunter et al. teaches that if an external TV is "off", there is still an audible announcement given by the communication device, stating that "the device **110** additionally includes an internal speaker **212** to function as both an alarm and provide output to an user in the event their TV or monitor display capability is damaged or inoperable" (col.15, lines 49-52).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Lajoie et al. (USPN 5,850,218)** discloses a system and method for providing a full service cable television system, in which the set-top terminal is able to automatically turn on a display that is "off" or in "standby" mode.

**Huna et al (US PUB 2001/0012286)** disclose an apparatus and method for the detection of messages from a wide variety of devices, among them: telephones, computers, faxes, etc. And teaches how a computer user can designate what types of messages they want to receive and how they want to be alerted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge Mendoza Jr./  
Examiner, Art Unit 4126

/Dennis-Doon Chow/  
Supervisory Patent Examiner, Art Unit 4126